GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Lands - APIIC Ltd - Permission to APIIC to take back 253.61 Acres of un-utilized land, out of the 483.27 Acres allocated to M/s.Amara Raja Infratech (P) Ltd., in Sy.No.65/1 etc., Nunegundlapally (V), Bangarupalem (M) and Sy.No.1/1B etc., Kothapally (V), Yadamarri (M) of Chittoor Dist – Permission accorded - Orders - Issued.

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INDUSTRIES & COMMERCE (INFRA) DEPARTMENT

G.O.MS.No. 33 Dated: 30-06-2020.

Read:

G.O.Ms.265, Revenue (Assgn.IV) Department, dt.24.02.2009.

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ORDER:

In the reference read above, orders were issued allocating Government land to an extent of 488.87 Acres situated in Sy.No.65/1 etc., admeasuring 187.59 Acres in Nunegundlapally (V), Bangarupalem (M) and in Sy.No.1/1B etc., admeasuring 301.28 Acres in 180-Majara Kothapally (V), Yadamarri (M), Chittoor District in favour of APIIC Ltd., for establishment of Digital World City/Industrial Park on payment of market value of Rs.1,80,000/- Lakhs per Acre.

2. Accordingly, in turn basing on the request of M/s M/s.Amara Raja Infratech (P) Ltd., the APIIC has allotted 483.27 Acres (478.78 Acres DKT land + 4.56 Acres Patta land) as undeveloped land on "as is where is basis" of Majara Kothapally (V), Yadamarri (M) and Nunegundlapally (V), Bangarupalem (M) in Chittoor District in favour of M/s.Amara Raja Infratech (P) Ltd., on sale basis to take up the activities pertaining to SEZ approval and also developmental activities (Digital World City) with a tentative cost of Rs.10,70,01,512/- including administrative charges, cost of tree value & publication charges, besides process fee of Rs.51,30,000/- vide provisional allotment Lr.No.ZO/APIIC/TPT/LA/Kothapalli & M.Samudram/2008, dt.28.10.2010 of Zonal Manager, APIIC Ltd., Tirupathi, duly specifying the various terms and conditions of allotment.

3. In pursuant to the allotment made, the Agreement of sale and the sale deed were executed on 01.11.2010 and 18.11.2010 respectively, basing on the request of the M/s.Amara Raja Infra (P) Ltd., to take up the activity pertaining to SEZ approvals and also developmental activities, in favor of M/s.Amara Raja Infratech (P) Ltd., and registered with the Sub Registrar, Bangarupalyam.

4. It is to see that the Company had to utilize the allotted land for the purpose for which it is allotted, within the specified time of 2 years as per clause 9 (b) and 9 (c) of the Agreement of sale so executed. That as per clause 9 (d) the company is bound to surrender the land if the same is not required by the company for the purpose it is allotted.

5. The clause 9 (o) of Agreement entitles the corporation to cancel the allotment in case of violation of any of the covenants of the agreement. The company also submitted an undertaking authorizing APIIC to resume the unutilized portion of land if found vacant at a later date.

6. Therefore, in the light of facts and circumstances mentioned above, it is obvious that the sale deed document executed is a conditional sale deed under Section 31 of the Transfer of Property Act, 1908 as clause 3 thereof states that the land is allotted to take up the activities pertaining to SEZ approval and also developmental activities (Digital World City) and Clause 4 indicates that the agreement of sale specifying the terms and conditions governing the allotment of undeveloped land is executed in favor of the company.

7. The Clause 7 of the sale deed document further states that the terms and conditions of the sale are settled in the agreement of sale dated.01.11.2010. This clause also states the title or ownership is transferred subject to the condition that the land should be utilized for the purpose for which it is allotted and no other purpose. Thus the sale deed is liable to be cancelled in case of violation of the terms and conditions of the agreement of sale, as the terms and conditions of the agreement of sale are part and parcel of the sale deed.

8. Keeping the allotted public property idle and vacant is not only violation of the covenants of agreement of sale and sale deed, but is also against public interest and defeats the very purpose of allotment, which is to promote development by creating investment and employment.

9. It is noticed that the company sought the sale deed from the APIIC before implementation of the project, on the premise that the same is needed for setting up of SEZ but no such SEZ was developed in the allotted land, till date.

(P.T.O.)

10. It is also noticed that the company has utilized only 229.66 Acres out of the total allotted land admeasuring 483.27 Acres and even after 10 years of agreement of sale, 253.61 Acres of land is lying unutilized.

11. The company is found to have not utilized the land for the purpose for which it is allotted, as huge portion of the land remains unutilized. Moreover, the company has not fulfilled its promise to invest Rs.2,100 Crore with a potential employment generation of 20,000 people. The actual employment achieved so far, is only 4,310.

12. Government, after careful examination of the matter, therefore hereby permit the APIIC Ltd., to take back the un-utilized land of 253.61 Acres out of the 483.27 Acres allocated to M/s.Amara Raja Infratech (P) Ltd., in Sy.No.65/1 etc., Nunegundlapally (V), Bangarupalem (M) and Sy.No.1/1B etc., Kothapally (V), Yadamarri (M) of Chittoor District in public interest, as the Company has violated the terms and conditions and failed to fulfill the promised investment & employment criteria and held the potential land which is worth more than Rs.60.00 Crores without utilization.

13. The Vice Chairman & Managing Director, A.P. Industrial Infrastructure Corporation Ltd., shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
SPECIAL CHIEF SECRETARY TO GOVERNMENT & CIP

To

The Vice Chairman & Managing Director, A.P. Industrial Infrastructure Corporation Ltd., APIIC Tower, 9th to 11th Floors, Plot No.CFC-1, IT Park, Mangalagiri, Guntur District, A.P. – 522 503.

Copy to:

The Additional Secretary to C.M., CMO, A.P. Secretariat.

The G.A. (Cabinet) Department, A.P. Secretariat, Velagapudi. (with reference to U.O.No.34-2/2020, dt.06.03.2020.)

The P.S. to Spl.Chief Secretary to Govt & CIP, Ind & Com Dept, A.P. Secretariat.

SC/SF.

//FORWARDED BY: ORDER//

SECTION OFFICER